IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 3462 of 2007

Date of Decision : 06.03.2007

Hazara Singh and others ... Petitioners

Versus

Union of India and others. .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Deepak Nayyar, Advocate,
for the petitioners.

J.S. Khehar, J. (Oral)

Through the instant writ petition, the petitioners have impugned the notification dated 30.07.2004 (Annexure P-1), whereby the Central Government has imposed the restrictions in exercise of powers vested in it under Section 7 of the Works of Defence Act, 1903 in the adjoining vicinity of ammunition depot located at Dappar in District Patiala. A perusal of the notification reveals, that the land in question has to be "kept free from building and other obstructions".

Learned counsel for the petitioners while assailing the aforesaid notification states, that the petitioners are not being allowed to construct on their land and as such, they are not being allowed to utilize their land fully and effectively.

Despite the limited restrictions referred to above, learned counsel for the petitioners further states, that the petitioners are even prevented from raising agricultural crops on their land falling within the aforesaid notification dated 30.07.2004. In this behalf, the limited

contention of the learned counsel for the petitioners is, that the villagers including the petitioners are prevented from utilizing their land for raising of high crops in the nature of trees, etc. It is not possible for us to accept either of the two contentions of the learned counsel for the petitioners as the vicinity of ammunition depot has to be kept clear of inhabitation, so as to prevent loss of life, as well as, property.

Finding himself in the aforesaid predicament, learned counsel for the petitioners states, that if the authorities wish to impose restrictions on the villagers from using the petitioners' land, it is open to the authorities to acquire their land so as to enable the petitioners to purchase alternative land. It is not possible for us to accept the alternative prayer made by the petitioners. In the interest of the defence of the country, ammunition depots have to be located at different places with precautionary measures in place. The provisions of the Works of Defence Act, 1903 expressly authorise the respondents to take such precautions as have been taken in the notification dated 30.07.2004 (Annexure P/1). The petitioners have not impugned or challenged the validity of the statutory provisions under which the instant notification has been issued.

For the reasons recorded herein above, we find no merit in this petition and the same is, accordingly, dismissed.

(J.S. Khehar)
Judge

March 06, 2007 (S.D. Anand)
vkd Judge